



PUBLIC NOTICE

Federal Communications Commission
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**OFFICE OF ENGINEERING AND TECHNOLOGY SEEKS COMMENT ON
ROHDE & SCHWARZ USA, INC. SEPTEMBER 10, 2019 REQUEST FOR WAIVER OF
PART 15 GENERAL EMISSIONS AND RESTRICTED BANDS RULES FOR A 70-80 GHZ
PERSONNEL SECURITY SCANNER SYSTEM**

ET Docket No. 19-88

Comment Date: January 21, 2020
Reply Comment Date: February 5, 2020

On September 10, 2019, Rohde & Schwarz USA, Inc. (Rohde & Schwarz) filed a request for waiver¹ of Sections 15.205 and 15.209² of the Commission's rules, to allow Rohde & Schwarz to obtain a grant of equipment authorization for the marketing and operation of its QPS 201 Personnel Security Scanner system ("QPS 201" or "system") in the 70-80 GHz band. The QPS 201 is designed to detect the presence of concealed metallic and non-metallic threats that may be carried in or underneath the clothing of persons entering locations where the device has been deployed. Rohde & Schwarz claims that the QPS 201 will serve a valuable national security function that cannot be comparably replicated by currently available equipment.

Rohde & Schwarz's waiver request replaces an earlier filing that had asked for waiver of a different rule part and for which the Office of Engineering and Technology had previously sought comment.³ In this Public Notice, we are seeking comment exclusively on the September 10 filing.

Rohde & Schwarz is seeking a waiver of Section 15.205 to permit operation of the QPS 201 in the 70-80 GHz band.⁴ Section 15.205(a) of the Commission's rules identifies certain frequency bands, referred to as "restricted bands," where unlicensed Part 15 devices are not allowed to intentionally radiate energy and only spurious emissions are allowed from Part 15 devices.⁵ All frequencies above 38.6 GHz are classified as "restricted," except for a few bands where the Commission has permitted special types of unlicensed operations, such as the 57-71 GHz, 75-85 GHz, and 92-95 GHz frequency bands.⁶

¹ Waiver Request of Rohde & Schwarz USA, Inc. (*Request*), filed Sep. 10, 2019. A copy of the filing is available in ET Docket No. 19-88.

² See 47 CFR §§ 15.205 and 15.209.

³ *Office of Engineering and Technology Seeks Comment on Rohde & Schwarz USA, Inc. Request for Waiver of Part 15 Periodic Operation and Restricted Bands Rules for a 70-80 GHz Personnel Security Scanner System*, Public Notice, 34 FCC Rcd 1978 (OET 2019). See also *Request* at 1, n.1 (asking to withdraw the original filing).

⁴ *Request* at 3.

⁵ 47 CFR § 15.205(a).

⁶ See 47 CFR §§ 15.255, 15.256 and 15.257.

Rohde & Schwarz also seeks a waiver of Section 15.209 of the Commission's rules. Section 15.209(a) limits the field strength of emissions from unlicensed intentional radiators operating in frequencies above 960 MHz to 500 $\mu\text{V}/\text{m}$ (54 dB $\mu\text{V}/\text{m}$) measured at a distance of 3 meters.⁷ Rohde & Schwarz requests a waiver to operate at 31,405 $\mu\text{V}/\text{m}$ (90 dB $\mu\text{V}/\text{m}$) at 3 meters, to allow the QPS 201 to adequately perform its security scanning functions without increasing the potential for harmful interference to authorized users.⁸

The Office of Engineering and Technology (OET) seeks comment on this waiver request. As we did with Rohde & Schwarz's original filing, matters related to the September 10 waiver request will be treated, for *ex parte* purposes, as a "permit-but-disclose" proceeding in accordance with Section 1.1200(a) of the Commission's rules, subject to the requirements under Section 1.1206(b). Doing so will allow us to develop a complete record on the issues raised by Rohde & Schwarz.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Parties should also send a copy of their filings to Anh T. Wride, Office of Engineering and Technology, Federal Communications Commission, Room 7-A363, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to anh.wride@fcc.gov.

⁷ 47 CFR § 15.209(a).

⁸ *Request* at 1.

Documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554.

By the Chief, Office of Engineering and Technology

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